



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 18, 2011

CBCA 2287-RELO

In the Matter of ROBERT FERRARO

Robert Ferraro, Fairfield, ID, Claimant.

Carol Svensrud, Albuquerque Service Center, Forest Service, Department of Agriculture, Albuquerque, NM, appearing for Department of Agriculture.

DRUMMOND, Board Judge.

Robert Ferraro is an employee of the Department of Agriculture, Forest Service (agency). Mr. Ferraro contests the agency's refusal to reimburse him temporary quarters subsistence expenses. We dismiss this case for lack of jurisdiction because we have no authority to resolve it.

Mr. Ferraro is a member of a collective bargaining unit whose actions are governed by the negotiated agreement between the National Federation of Federal Employees (NFFE) and the agency. That agreement establishes the only administrative procedure available to bargaining unit employees for the processing and disposition of grievances other than specifically-excluded matters, and the relocation claim is not a specifically-excluded matter. Consequently, we must dismiss this case. *Stephen K. Nemmer*, CBCA 1995-RELO, 10-2 BCA ¶ 34,472; *Forrest S. Ford*, CBCA 1289-RELO, 09-2 BCA ¶ 34,163, *motion for reconsideration denied*, 09-2 BCA ¶ 34,223.

We understand why Mr. Ferraro asked us to settle his claim - an agency employee told him we could do so. The fact that an agency representative provided him erroneous advice,

however, cannot vest us with jurisdiction where statute plainly does not confer it. *William Carr*, CBCA 1613-RELO, 09-2 BCA ¶ 34,252; *Robert Stanislaw*, CBCA 1503-RELO, 09-2 BCA ¶ 34,193.

JEROME M. DRUMMOND

Board Judge